

CAPITAL HILL REPORTING, INC.
1825 K STREET NW SUITE 1022
WASHINGTON, D.C. 20006
(202) 466-9500

RECEIVED

JUL 13 1992

EXHIBIT RECEIPT

Federal Communications Commission
Office of the Secretary
DATE: July 2, 1992

Please find attached herewith for filing with the FEDERAL
COMMUNICATIONS Commission the Officially marked exhibits in the following
matter:

IN THE MATTER OF: AMORY, MISSISSIPPI

DOCKET NUMBER: 92-41

The following exhibits are attached hereto:

Exhibit Number 1
Exhibit Number 2

Thank you for your prompt attention to this matter.

Very truly yours,

CAPITAL HILL REPORTING, INC.

I acknowledge receiving the above-referred to exhibits:

SIGNATURE: _____ DATE: _____

1

Federal Communications Commission	
Docket No. <u>92-41</u>	Exhibit No. <u>1</u>
Presented by <u>Mass Media Bureau</u>	
Disposition	Identified <u>✓</u>
	Received <u>✓</u>
	Rejected <u> </u>
Reporter <u>Silvia Stephens</u>	
Date <u>7-2-92</u>	

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MM Exhibits 1992

Federal Communications Commission
Office of the Secretary

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)

MM DOCKET NO. 92-41)

WAYNE C. MURPHY)

Licensee of Station WDAT(AM)
Amory, Mississippi)

RECEIVED

Order to Show Cause Why the
License for Station WDAT(AM),
Amory, Mississippi, Should Not
Be Revoked)

MAY - 7 1992

Federal Communications Commission
Office of the Secretary

To: Wayne C. Murphy

MASS MEDIA BUREAU'S
REQUEST FOR ADMISSIONS

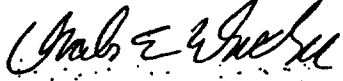
1. The Chief, Mass Media Bureau, pursuant to Section 1.246 of the Commission's Rules, requests that, within 10 days of the service of this request, Wayne C. Murphy ("Murphy") admit to the truth of the following facts, as set forth in the following numbered paragraphs. Each response should be labeled with the same number as the subject admission request and should be made under oath or affirmation. In addition, Murphy is reminded that Section 1.246(b) of the Rules provides that "[a] denial shall fairly meet the substance of the requested admission, and when good faith requires that a party deny only a part or a qualification of the matter of which an admission is requested, he shall specify so much of it as is true and deny only the remainder."

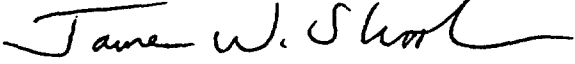
Admissions

1. WDAT(AM) is silent.
2. WDAT(AM) has been silent since February 24, 1989.
3. Attachment A is a true and accurate copy of a letter dated February 24, 1989, submitted to the Commission by Murphy.
4. Murphy received a letter from the Commission, dated March 15, 1989, reproduced as Attachment B, before June 15, 1989.
5. Murphy did not submit any document to the Commission between June 15, 1989, and April 27, 1992.
6. Subsequent to June 15, 1989, Murphy has not requested Commission permission for WDAT(AM) to remain off the air.
7. WDAT(AM) has been silent without Commission authority since June 15, 1989.
8. Murphy has not submitted his license for WDAT(AM) to the Commission for cancellation.
9. Wayne C. Murphy's address of record in the Commission's files is P.O. Box 539, Amory, Mississippi 38821.
10. Murphy did not receive the Commission letter dated November 8, 1990, reproduced as Attachment C.
11. Murphy did not receive the Commission letter dated August 20, 1991, reproduced as Attachment D.
12. Murphy never notified the Commission that his address as reflected in Attachments C and D was no longer accurate.

13. WDAT(AM) is incapable of operation at this time.

Respectfully submitted,
Roy J. Stewart
Chief, Mass Media Bureau


Charles E. Dziedzic
Chief, Hearing Branch


James W. Shook
Attorney
Mass Media Bureau

Federal Communications Commission
2025 M Street, N.W., Suite 7212
Washington, D.C. 20554
(202) 632-6402

May 7, 1992

Attachment A

HE

W T Radio

P.O. Box 539

Amory Mississippi, 38821

MAR 8 1989

AM BRANCH

F.C.C. (A.M. Branch)

1919 "M" Street

Washington D.C. 20554

Good Morning,

Please accept this as our request for special temporary authority to remain off the air. Our call letters are WDAT, AM, 1170, 500 Watts Non-directional.

We have been off the air for twenty days, due to financial hardship, and request an additional ninety days. Thank you for your help.

Wayne C. Murphy

Wayne C. Murphy, Licensee

2-24-89

Attachment B

363

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

IN REPLY REFER TO:

FCC MAIL BRANCH

MAR 15 1989

Signed By _____
Mailed By _____

March 15, 1989

Wayne C. Murphy
Radio Station WDAT(AM)
PO Box 539
Armory, Mississippi 38821

Ref. 8910-ARE. Relet Murphy 2/24/89. Temporary authority granted thru 6/15/89, WDAT(AM), Armory, Mississippi, to remain silent pending resolution of financial difficulties. Any request for extension must be accompanied by a detailed report of steps being taken to return station to air.

Thomas N. Albers
Chief, AM Branch
Mass Media Bureau, FCC

Andree R. Ellis
Comms. Analyst

EIC-New Orleans, LA

ARE:afr/asd/mb/wdat

✓

Attachment C

239

FEDERAL COMMUNICATIONS COMMISSION
FCC MAIL SECTION WASHINGTON, D.C. 20554

Nov 9 12 10 AM '90

8 NOV 1990

IN REPLY REFER TO:

DISPATCHED BY
CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Wayne C. Murphy
P.O. Box 539
Amory, Mississippi 38821

In re: WDAT
Amory, Mississippi
Authority to Remain Silent

Dear Licensee:

Commission records show that the above-referenced station has been off the air without authority since June 15, 1990.

To verify our records, you are required to submit the following information, as applicable:

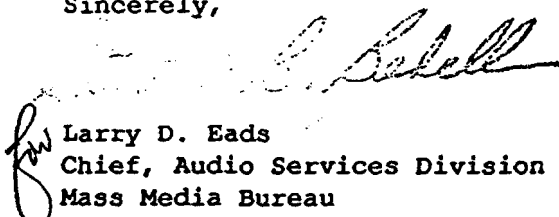
1. If the station is operating, state when the station resumed operations and whether it is operating in compliance with the minimum schedule of operation set forth in Section 73.1740 of the Commission's Rules. Provide a copy of any letter which notified the Commission that the station had returned to the air.
2. If the station is off the air but a current request for authority to remain silent was filed and acted upon, submit a copy of the Commission's authorization granting the request. If a request to remain silent was filed but has not been acted upon and the request is 120 days or older, submit up-dated justification for continuing to remain off the air.
3. If the station is off the air and has not filed a current request for an extension of silence authority and resumption of operations is contemplated, submit a request for authority to remain silent which includes a detailed explanation as to why the station has not yet resumed operations, why additional time is needed for continuing to remain off the air, and the prospects and time as to when resumption

of operations is anticipated. If the station has permanently discontinued operations, the Commission must be so notified and the station's license and other instruments of authorization must be forwarded to the Commission for cancellation, pursuant to Section 73.1750 of the Commission's Rules.

The requested information is required to be submitted to the Commission, in accordance with Section 73.1015 of the Rules, within thirty days from the date of this letter. Failure to respond or to submit a showing sufficient to justify an extension of silence authority may result in the cancellation of your license. Your response should be mailed to:

Federal Communications Commission
AM Branch
Room 342
Washington, DC 20554
Attention: James R. Burtle

Sincerely,


Larry D. Eads
Chief, Audio Services Division
Mass Media Bureau

Attachment D
239

FCC MAIL SECTION
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

AUG 20 3 26 PM '91

20 AUG 1991

IN REPLY REFER TO:

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Wayne C. Murphy
P.O. Box 539
Amory, Mississippi 38821

In re: WDAT
Amory, Mississippi
Authority to Remain Silent

Dear Licensee:

Commission records show that the above-referenced station has been off the air without authority.

To verify our records, you are required to submit the following information, as applicable:

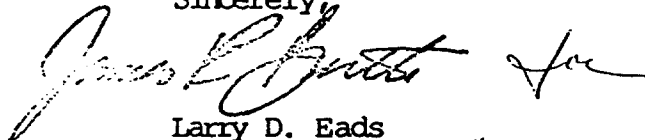
1. If the station is operating, state when the station resumed operations and whether it is operating in compliance with the minimum schedule of operation set forth in Section 73.1740 of the Commission's Rules. Provide a copy of any letter which notified the Commission that the station had returned to the air.
2. If the station is off the air but a current request for authority to remain silent was filed and acted upon, submit a copy of the Commission's authorization granting the request. If a request to remain silent was filed but has not been acted upon and the request is 120 days or older, submit up-dated justification for continuing to remain off the air.
3. If the station is off the air and has not filed a current request for an extension of silence authority and resumption of operations is contemplated, submit a request for authority to remain silent which includes a detailed explanation as to why the station has not yet resumed operations, why additional time is needed for continuing to remain off the air, and the prospects and time as to when resumption

of operations is anticipated. If the station has permanently discontinued operations, the Commission must be so notified and the station's license and other instruments of authorization must be forwarded to the Commission for cancellation, pursuant to Section 73.1750 of the Commission's Rules.

The requested information is required to be submitted to the Commission, in accordance with Section 73.1015 of the Rules, within thirty days from the date of this letter. Failure to respond or to submit a showing sufficient to justify an extension of silence authority may result in the cancellation of your license. Your response should be mailed to:

Federal Communications Commission
AM Branch
Room 342
Washington, DC 20554
Attention: James R. Burtle

Sincerely,

A handwritten signature in dark ink, appearing to read "Larry D. Eads", followed by a small flourish or mark.

Larry D. Eads
Chief, Audio Services Division
Mass Media Bureau

CERTIFICATE OF SERVICE

Michelle C. Mebane, a secretary in the Hearing Branch, Mass Media Bureau, certifies that she has on this 7th day of May, 1992, sent by regular United States mail, U.S. Government frank, copies of the foregoing "Mass Media Bureau's Request for Admissions" to:

Administrative Law Judge
Walter C. Miller
Federal Communications Commission
2000 L Street, N.W., Suite 213
Washington, D.C. 20554

Catherine M. Withers, Esq. *
M. Scott Johnson, Esq.
Gardner, Carton & Douglas
1301 K Street, N.W., Suite 900 East Tower
Washington, D.C. 20005

Michelle C. Mebane
Michelle C. Mebane

* By Certified Mail - Return Receipt Requested

Federal Communications Commission	
Order No. <u>92-41</u>	Exhibit No. <u>2</u>
by <u>Mass Media Bureau</u>	
Status	Identified <u>/</u>
	Received <u>/</u>
	Rejected <u>/</u>
Report by <u>Silvia Stephens</u>	
Date <u>7-2-92</u>	

COPY

MM Exhibit Z

GARDNER, CARTON & DOUGLAS

1301 K STREET, N.W.

SUITE 900, EAST TOWER

WASHINGTON, D.C. 20005

(202) 408-7100

FACSIMILE: (202) 289-1504

WRITER'S DIRECT DIAL NUMBER

Catherine M. Withers
(202) 408-7114

CHICAGO, ILLINOIS

May 28, 1992

RECEIVED

MAY 28 1992

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Donna R. Searcy, Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

Re: MM Docket No. 92-41
Station WDAT
Amory, Mississippi

Dear Ms. Searcy:

Transmitted herewith on behalf of Wayne C. Murphy are an original and six (6) copies of his response to the Mass Media Bureau's Request for Admissions with regard to the above-referenced proceeding.

Should any questions arise with respect to this matter, kindly contact this office.

Sincerely,

Catherine M. Withers

Catherine M. Withers

Enclosure

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	MM Docket No. 92-41
)	
WAYNE C. MURPHY)	
Licensee of Radio Station)	
WDAT(AM))	
Amory, Mississippi)	
)	
Order to Show Cause Why the)	
License for Station WDAT(AM))	
Amory, Mississippi, Should)	
Not be Revoked)	

RECEIVED

MAY 28 1992

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: Administrative Law Judge, Walter C. Miller

**RESPONSE TO MASS MEDIA BUREAU'S
REQUEST FOR ADMISSIONS**

Wayne C. Murphy ("Murphy"), pursuant to Section 1.246 of the Commission's Rules, hereby responds to the Mass Media Bureau's Request for Admissions ("Bureau's Request"). Each numbered paragraph below corresponds to the number of the subject admission request.

1. Yes, WDAT(AM) is currently silent.
2. WDAT(AM) has been silent since February 4, 1989.
3. Yes, Attachment A to the Bureau's Request is a true and accurate copy of a letter dated February 24, 1989, submitted to the Commission by Murphy.
4. Murphy recalls receiving a copy of Attachment B to the Bureau's Request. Murphy does not recall whether Attachment B was received by him before or after June 15, 1989.
5. Murphy has no recollection of submitting any documents to the Commission between June 15, 1989 and April 27, 1992.

6. Yes, subsequent to June 15, 1989, Murphy submitted no request to the Commission for WDAT(AM) to remain silent.

7. Prior to filing the February 24, 1989 notification that station WDAT(AM) was silent, Murphy spoke to a field officer in the FCC's New Orleans' office regarding his intent to take the station off-air. Pursuant to his conversation with the field officer, Murphy believed that he needed only to notify the Commission that the station was silent and it was his understanding that the Commission took a lenient approach with regard to stations forced to go off-air for economic reasons.

8. Yes, Murphy has not submitted his license for WDAT(AM) to the Commission for cancellation.

9. Murphy cannot certify as to what is the Commission's address of record for him. Murphy recalls that in April 1989, he notified the Commission by letter of his change in address from P.O. Box 539, Amory, Mississippi to Rt. 1, Box 304B, Plantersville, MS 38862. Although this is not his current residence, Murphy still retains Box 304B and receives mail at that address. For the Commission's records, it is noted that Murphy's current residence is 1220 E. Northside Drive, #230, Jackson, MS 39211.

10. Murphy, to the best of his recollection, did not receive the Commission letter dated November 8, 1990, Attachment C to the Bureau's Request.

11. Murphy, to the best of his recollection, did not receive the Commission letter dated August 20, 1990, Attachment D to the Bureau's Request.

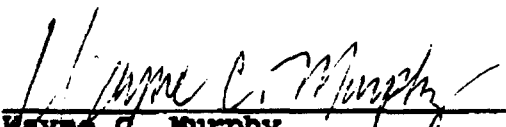
12. Murphy, to best of his recollection, did not receive Attachments C or D to the Bureau's Request and, consequently, did not notify the Commission that the address thereon was no longer accurate. However, as stated in paragraph 9 above, Murphy recalls notifying the Commission in April 1989 that the address to which Attachments A and B were sent was no longer accurate.

13. Murphy is not financially able to return Station WDAT to operation at this time. Murphy has entered into an agreement in principle with a minority person in Amory, MS, who he believes, upon FCC approval of an assignment of the WDAT(AM) license, will be able to return the station to operation within 90 days or less.

DECLARATION

I, Wayne C. Murphy, licensee of Station WDAT(AM) at Amory, MS, hereby declare under penalty of perjury that the foregoing responses to the Bureau's Request are true and correct.

Respectfully submitted,


Wayne C. Murphy
1220 E. Northside Drive, #230
Jackson, Mississippi 39211

5-27-92

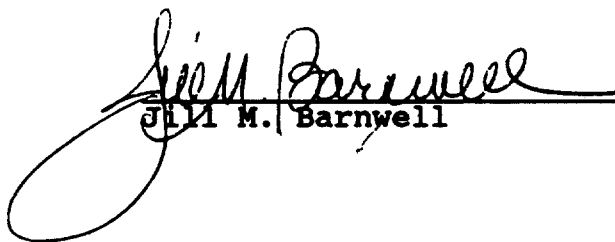
Date

CERTIFICATE OF SERVICE

I, Jill M. Barnwell, a secretary in the law firm of Gardner, Carton & Douglas, certify that I have this 28th day of May, 1992, caused to be sent via hand delivery, a copy of the foregoing "Response to Mass Media Bureau's Request for Admissions" to the following:

Honorable Walter C. Miller
Administrative Law Judge
Federal Communications Commission
2000 L Street, Room 213
Washington, D.C. 20554

Mr. James Shook
Mass Media Bureau
Federal Communications Commission
2025 M Street, N.W., Room 7212
Washington, D.C. 20554


Jill M. Barnwell